

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
*Richmond Division***

**JUSTIN CORNELL, No. 1738299,
*Petitioner,***

v.

Civil Action No.: 3:21cv593

**DIRECTOR,
DEPARTMENT OF CORRECTIONS,
*Respondent.***

**RESPONDENT'S RULE 5 ANSWER
AND MOTION TO DISMISS**

The Respondent, by counsel, pursuant to Rule 5, Rules Governing Section 2254 Cases, moves the Court to dismiss Justin Cornell's petition for a writ of habeas corpus.

1. The reasons requiring dismissal are set forth in the accompanying brief that is incorporated by this reference.
2. Each and every allegation not expressly admitted should be taken as denied.
3. The reasons for dismissal of the petition are ascertainable from the record and the applicable law without the need of an evidentiary hearing. *See* 28 U.S.C. § 2254(d) and (e).
4. The state court records have been requested and will be provided to this Court, unless this Court directs otherwise.

WHEREFORE, the Respondent prays that the petition for a writ of habeas corpus be dismissed without an evidentiary hearing.

Respectfully submitted,

**DIRECTOR,
DEPARTMENT OF CORRECTIONS**
Respondent herein

/s/

Craig W. Stallard
Senior Assistant Attorney General
Virginia State Bar No. 43227
Counsel for Respondent
Office of the Attorney General
202 North Ninth Street
Richmond, VA 23219
Telephone: (804) 786-2071
Facsimile: (804) 371-0151
Email: oagcriminallitigation@oag.state.va.us

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2021, a copy of this Brief in Support of Motion to Dismiss and Rule 5 Answer was electronically filed with the Clerk of Court using the CM/ECF and a copy was mailed to the petitioner, Justin Keith Cornell, No. 1738299, Lawrenceville Correctional Center, 1607 Planters Road, Lawrenceville, Virginia 23868, petitioner *pro se*.

/s/

Craig W. Stallard
Senior Assistant Attorney General
Virginia State Bar No. 43227
Counsel for Respondent

Office of the Attorney General
202 North Ninth Street
Richmond, VA 23219
Telephone: (804) 786-2071
Facsimile: (804) 371-0151
Email: oagcriminallylitigation@oag.state.va.us